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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/053,823	01/24/2002	Thomas B. Glenwright	D/A1128	4784

7590 03/19/2004

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EXAMINER

HOPKINS, ROBERT A

ART UNIT	PAPER NUMBER
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1724

DATE MAILED: 03/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/053,823

Applicant(s)

GLENWRIGHT ET AL.

Examiner

Robert A Hopkins

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 11-20 is/are allowed.
- 6) ☒ Claim(s) 1-3 and 5-7 is/are rejected.
- 7) ☒ Claim(s) 4 and 8-10 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: ____.

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DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3 and 5-7 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Japanese reference(55-142235).

Japanese reference teaches an airtight sampling apparatus for sampling a waste solution(water) including volatile organic compounds from a main waste solution conduit(2) having a first pressure P1, the airtight sampling apparatus comprising, a waste solution sampling conduit(figure 2) having a first end and a second end, an input check valve(27) connecting the first end of the waste solution sampling conduit to the main waste solution conduit, an actuatable waste solution containing and discharge cylinder assembly(8) having a first end and a second end connected to the second end of the waste solution sampling conduit, an attachable and removable airtight sample holding container(not shown), and a pressure adjustable outlet valve(25) for coupling with the airtight sample holding container, the pressure adjustable outlet valve being located between the input check valve and second end of the waste solution containing and discharge cylinder assembly, thereby enabling an effective and accurate withdrawal of waste solutions including volatile organic compounds. Japanese reference further teaches wherein the input check valve has a second pressure rating P2 less than the

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first pressure rating of the main solution conduit. Japanese reference further teaches wherein the pressure adjustable output valve has a third pressure rating P3 greater than the second pressure rating P2 of the input check valve. Japanese reference further teaches wherein the second pressure rating is at least 5PSI less than the first pressure P1. Japanese reference further teaches wherein the second pressure rating is at least 8PSI less than the first pressure P1. Japanese reference further teaches wherein the pressure adjustable output valve is a needle valve.

Allowable Subject Matter

Claims 4 and 8-10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 4 recites "wherein said actuatable waste solution containing and discharge cylinder assembly includes a cylinder having a waste solution containing chamber and a moveable plunger for varying a volume of the waste solution containing chamber". Japanese reference discloses an actuatable waste solution containing and discharge cylinder assembly, but does not disclose a moveable plunger for varying a volume of the waste solution containing chamber. It would not have been obvious to someone of ordinary skill in the art at the time of the invention to provide a moveable plunger for varying a volume of the waste solution containing chamber because Japanese reference does not suggest such a modification. Claims 8-10 depend on claim 4 and hence would also be allowable upon incorporation of claim 4 into claim 1.

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Claims 11-20 are allowed.

The following is a statement of reasons for the indication of allowable subject matter:

Claim 11 recites "waste solution treatment units including a carbon adsorber unit, said waste solution treatment units being connected by conduit to said waste solution producing unit; (c) a steam generator connected to said carbon adsorber unit for regenerating said carbon adsorber, said steam generator producing a blowdown waste solution". Japanese reference teaches an airtight sampling apparatus, but does not disclose waste solution treatment units including a carbon adsorber unit, the waste solution treatment units being connected by conduit to said waste solution producing unit and a steam generator connected to the carbon adsorber unit for regenerating the carbon adsorber, the steam generator producing a blowdown waste solution. It would not have been obvious to someone of ordinary skill in the art at the time of the invention to provide a carbon adsorber unit and a steam generator because Japanese reference does not suggest such a modification. Claims 12-20 depend on claim 11 and hence are also allowed.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Johnson(4009617) discloses a sampling apparatus including T-section(10), lateral leg(11), check valve(18), waste solution discharge cylinder assembly(60)

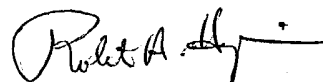
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connected to a midpoint of a waste solution sampling conduit(14), and an attachable and removable airtight sample holding container(93).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert A Hopkins whose telephone number is 571-272-1159. The examiner can normally be reached on Monday-Friday 9:00am-4:00pm, alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Blaine Copenheaver can be reached on 571-272-1156. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Robert A Hopkins
Primary Examiner
Art Unit 1724

Rah
March 10, 2004